S.B. Civil Revision Petition NO.401/2004
Shiva Video Parlour & Ors.
Vs
Anand Palace (Cinema) & Ors.

DATE OF ORDER : - 2.8.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr.BK Vyas, for the petitioner.
Mr.HR Chawal, for the respondent no.1
Mr.Narendra Moolchanani, for the respondent no.2 & 3.

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Heard learned counsel for the parties.

According to learned counsel for the petitioner, the suit of the plaintiff was barred by law in view of the fact that the petitioner's video parlours were running since the year 1991 and the Rajasthan Video Films (Regulation of Exhibition) Rules, 1992 came into force subsequently, which provides that no licence shall be issued within a radius of 1500 meters of a permanent cinema. According to learned counsel for the petitioner, the restriction as imposed by sub-rule (3) of Rule 11 of the Rules of 1992 applies only when the cinema is already in existence and permission is sought for running a video parlour within 1500 meters radius from the cinema.

Learned counsel for the petitioner provided copy of one of the licence issued to one of the petitioner video parlour holder, which

clearly shows that licence was issued for one year only. Learned counsel for the petitioner also admits that the licences are given by the authorities for one year only. Therefore, in view of the above position, the petitioner's case so far as further issuance of the licence cannot be rejected at this stage, as it will require detailed adjudication on point of law and in view of the term of the licence, the decision even on law point depends upon the facts.

In view of the above, I do not find any illegality in the impugned order and the matter can be decided after the trial of the suit only. Hence, the revision petition of the petitioner is dismissed.

(Prakash Tatia), J.

c.p.goyal/-

S.B. Civil Writ Petition NO.3578/1995

DATE OF ORDER : - 2.8.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr.BN Kalla, for the petitioner.
Mr.HR Chanwal,for the respondent.

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Office is directed to detached this writ petition from S.B. Civil Revision Petition No.401/2004 and list the matter before regular bench.

(Prakash Tatia), J.

c.p.goyal/-